

Claims 9-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longo et al. (U.S. Patent 5,912,956; hereinafter Longo) in view of Atkins et al. (U.S. Patent 5,487,107; hereinafter Atkins). The rejection is respectfully traversed.

The Office Action at page 3 states that Longo discloses a system that makes it possible to store a message in conjunction with a prepaid account. Longo, however, does not disclose, “determining, based on the received access code, whether the prepaid telephone calling card comprises a first type of card.”

The Office Action at page 4 does admit that Longo does not disclose instructing a caller to contact a customer service center, but states that it is well known to inform a user to contact a customer service center if a requested service can not be provided. The Office Action also states that Atkins discloses a method for processing calls “in which a user could be given the telephone number for customer service if authentication for a requested service was unable to be performed” and points to col. 6, lines 34-36 for support.

Initially, the applicants submit that claim 9 does not recite informing a user to contact a customer service center if a requested service can not be provided. Claim 9 recites determining whether the prepaid telephone calling card comprises a first type of card based on a received access code and “if the prepaid telephone calling card does not comprise the first type of card, directing a caller associated with the service setup call to call a first telephone number.” This is not equivalent to merely informing a user to contact a customer service center.

In addition, Atkins at col. 6, lines 34-36 discloses informing a user of a customer service number when the card number for a credit card is not valid. This is not equivalent to determining whether a prepaid telephone calling card is a first type of card and then directing a caller to a first telephone number when the calling card is not the first type of card.

Therefore, even if Atkins was combined with Longo in the manner suggested in the
Office Action, the claimed invention would not result. Accordingly, withdrawal of the rejection and allowance of claim 9 are respectfully requested.

Claims 10-12 depend from claim 9 and are believed to be allowable over the combination of Longo and Atkins for at least the reason claim 9 is allowable.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longo in view of Atkins and further in view of Kamel et al. (U.S. Patent 6,009,150). The rejection is respectfully traversed.

Claim 13 is dependent on claim 9 and is believed to be allowable for at least the reasons claim 9 is allowable. Kamel does not cure the deficiencies regarding the combination of Longo and Atkins in relation to claim 9. For at least these reasons, withdrawal of the rejection and allowance of claim 13 are respectfully requested.

Claims 28 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longo. The rejection is respectfully traversed.

As to claim 28, the Office Action at page 10 states that the use of prepaid calling cards meant solely for making telephone calls is well known in the art. The Office Action then alleges that it would have been obvious to make a prepaid calling card eligible for only making calls.

Initially, the applicants note that claim 28 is directed to a method for facilitating the use of a prepaid telephone calling card. Claim 28 recites "determining if the prepaid telephone calling card is an audio message type calling card; initiating a playback of the at least one audio message ... if the prepaid telephone calling card comprises an audio message type calling card; and initiating a call ... if the prepaid telephone calling card does not comprise an audio message type calling card." Therefore, even if the use of prepaid calling cards meant solely for making

telephone calls is well known, Longo does not render obvious the subject matter of claim 28. In other words, Longo does not disclose or render obvious a method that determines whether the calling card is an audio message type calling card and then either initiating playback of an audio message or initiating a call based on whether the calling card is an audio message type calling card.

As to claim 29, the Office Action states that if the card in Longo is used solely as a calling card, then the user is prompted for a message to input the number of the called party. Even if this was true, Longo does not render obvious the subject matter of claim 29. In other words, Longo does not disclose or render obvious a method that includes “determining if at least one audio message affiliated with the prepaid telephone calling card has been previously stored; initiating playback of the audio message if the at least one audio message has previously been stored; and initiating playback of an audio message unaffiliated with the prepaid telephone calling card if the at least one audio message has not previously been stored.”

For at least these reasons, withdrawal of the rejections and allowance of claims 28-29 are respectfully requested.

Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longo in view of Nabkel (U.S. Patent 5,963,626). The rejection is respectfully traversed.

The Office Action admits that Longo does not disclose deleting a stored message after it has been played a number of times. The Office Action, however, states that Nabkel discloses a system for posting messages in which a message may expire after it has been played back to a number of people in a list and points to col. 3, lines 34-42 of Nabkel for support.

Nabkel, however, does not disclose a prepaid telephone calling card processing system that is configured to “determine a number of times the at least one message has been played

back, and delete the at least one message from the data storage system responsive to the determination of the number of times the at least one message has been played back.” Nabkel, as admitted in the Office Action, merely discloses that a message may be stored until everyone on a list hears the message. This is not equivalent to the features recited in claim 30. Therefore, even if Nabkel was combined with Longo in the manner suggested in the Office Action, the claimed invention would not result.

For at least these reasons, the combination of Longo and Nabkel does not disclose or suggest each of the features of claim 30. Accordingly, withdrawal of the rejection and allowance of claim 30 are respectfully requested.

Claims 31-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longo in view of Moen (U.S. Patent 5,592,537). The rejection is respectfully traversed.

With regard to claim 31, the Office Action admits that Longo does not disclose recording audio messages related to purchase preference information. The Office Action, however, states that Moen disclose a method of providing message service for limited access telecommunications in which a plurality of messages may be stored in conjunction with a prepaid account. The Office Action further states that it would have been obvious “to record any desired message in conjunction with a prepaid account for subsequent playback.”

Moen is directed to a system that may store messages and users may access the message by calling a specific telephone number (Moen - col. 1, lines 42-60). Moen, however, does not disclose “requesting purchase preference information of the individual; receiving audio data related to the purchase preference information; and recording the audio data as an audio message for playback during an access call related to the use of the prepaid telephone calling card,” as recited in claim 31.

The Office Action's general statement that it would have been obvious to record any desired message in view of Longo and Moen cannot be fairly construed to render obvious the specifically claimed features of claim 31. In other words, such a generalization does not provide the motivation required under § 103 to modify the combined references in the manner alleged to arrive at the specifically claimed invention.

As to claim 32, Moen does not disclose or suggest "storing .. at least one audio message related to purchase preferences of the individual associated with the prepaid telephone calling card."

For at least these reasons, withdrawal of the rejections and allowance of claims 31-32 are respectfully requested.

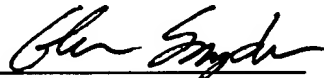
CONCLUSION

The Applicants respectfully submit that the application, amended as now proposed, overcomes the rejections of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application are respectfully requested. In any event, it is urged that the amendment under 37 C.F.R. § 1.116 be entered as it merely cancels pending claims and reduces issues for appeal. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, please feel free to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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